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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,196	03/26/2001	Jean-Michel Traynard	112740-171	3722

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,196

Applicant(s)

TRAYNARD ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 3/26/2001 has been considered and recorded in the file.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al (5,862,487) in view of Hansson et al (6,038,223).

Regarding to claims 11 and 18, see figures 5–9 and col. 5, line 43 to col. 7, line 52, Fujii et al disclose that a method and associated radio communication system for channel allocation, which uses a subscriber separation method for transmitting information for communication connections

via a radio interface between a base station (3) and a radio station (6) (see figure 5), the method/system comprising:

step/device (37, 32) (see figure 8), via radio station, during a registration, for signaling additional information about certain transmission conditions of a communication connection in the signaling channel to the base station wherein the additional information comprises measured interference levels of possible channels for the communication (see col. 5, lines 48–63 and col. 6, lines 35–55); and

step/device (22, 24, 25) (see figure 7), via the base station, for evaluating the additional information to select possible channels for allocating a number of transmission channels from the selected channels to the radio station for a communication with the base station (see col. 5, lines 48–63 and col. 7, lines 17–23).

Fujii et al is silent about using said additional information for controlling a transmitting power for a further signaling channel. However, Fujii et al teaches that in setting up a communication between a base station and a radio station, the base station needs a control channel for controlling of the outgoing

and incoming calls wherein the control channel contains information of the base station's predetermined transmitting power (see figure 6, and col. 6, lines 12-19). It would have been obvious for a person skilled in the art, when building Fujii et al invention, to determine the base station's predetermined transmitting power based on said additional information in such a way that the level of the transmitting power must be higher than the measured interference levels of the selected channels in order to avoid interferences.

Fujii et al does not discloses steps for signaling, via the radio station, a request for a number of transmission channels for a communication connection in a signaling channel to the base station and receiving the request by the base station .

Hansson et al discloses a call setup method comprising a step for signaling, via a radio station, a request for a number of transmission channels for a communication connection in a signaling channel to a base station (see col. 7, lines 23-27 and col. 8, lines 20-31).]

On the other hand, Fujii et al does not disclose how a call set up is carried out during the channel allocation. Therefore, for an application, It

would have been obvious for a person skilled in the art, when building Fujii et al invention, to implement Fujii et al channel allocation method in such a way radio station would send a request to the base station, as taught by Hansson et al, for a number of transmission channels for a communication connection during the channel allocation for setting a call set up.

Regarding to claim 12, Fujii et al discloses the step (31, 33, 34, 35, 36) (see figure 8) for determining, by the radio station, as additional information a received level for a general signaling channel, sent by the base station with a constant transmitting power (see col. 6, lines 16–19), with general information about the radio communication system (see col. 5, lines 55–63).

Regarding to claim 13, Fujii et al discloses that the radio station determines, as additional information, information on a received levels of channels (see col. 6, lines 35–55).

Regarding to claim 14, Fujii et al discloses the step (figure 5) for performing a subscriber separation according to a TDMA method, a transmission channel being defined by a frequency band, a time slot and a code (see figure 6, and col. 5, line 43–55 and col. 6, lines 6–28).

Regarding to claim 15, Fujii et al discloses the step (see figures 10, 14 and 15) for determining and signaling (down link and uplink signal) to the base station, via the radio station, a respective interference situation in the time slot as additional information (see col. 7, line 53 to col. 9, line 61).

Regarding to claim 16, Fujii et al discloses the step (see figures 10, 11, 14 and 15) for using the additional information by the base station for selecting at least one suitable time slot in which the number of transmission channels is allocated (see figures 10, lines 53–59).

Regarding to claim 17, Fujii et al discloses that the information is transmitted in accordance with a TDD method, the information being transmitted from the radio station to the base station and from the base station to the radio station separated in time in a frequency (see figures 10, lines 53–59).

Claim 19 is rejected with similar reasons set forth for claims 14, 16 and 17.

Regarding to claim 20, Fujii et al discloses that the base station is part of at least a mobile radio station and a wireless subscriber access system (see figure 5).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner

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LEE NGUYEN
PRIMARY EXAMINER